

June 9, 1846-713-1f

THE DAILY COMMONWEALTH.

FRANKFORT... SATURDAY, JAN. 1, 1848.

ALPHABETICAL ROLL OF THE MEMBERS OF THE KENTUCKY LEGISLATURE. DECEMBER SESSION, 1847.

DIXON, ARCHIBALD, LL-Governor and Speaker of the Senate.

SENATORS.

BOYD, WILSON P., from the counties of Fleming and Lewis—has 4 years to serve.

BRADLEY, WILLIAM, from the counties of Hopkins, Union and Crittenden—has 2 years to serve.

BRAMLETTE, AMBROSE S., from the counties of Clinton, Cumberland, Wayne and Russell—has 2 years to serve.

BRIEN, JAMES, from the counties of Calloway, Trigg and Marshall—has 3 years to serve.

CRENSHAW, B. MILLS, from the counties of Warren and Monroe—has 1 year to serve.

DRAFFIN, JOHN, from the counties of Anderson and Mercer—has 2 years to serve.

ENGLISH, SAMUEL S., from the counties of Trimble, Oldham and Henry—has 4 years to serve.

EVANS, WILLIAM F., from the counties of Allen, Warren and Edmonson—has 2 years to serve.

FOX, FOUNTAIN T., from the counties of Lincoln and Pulaski—has 1 year to serve.

GREY, BEN. EDWARDS, from the counties of Christian and Todd—has 4 years to serve.

HAMBLETON, CHARLES, from the counties of Breckinridge, Grayson and Hancock—has 4 years to serve.

HARDIN, PARKER C., from the counties of Adair, Casey and Boyle—has 1 year to serve.

HAWKINS, JAMES R., from the counties of Boone, Gallatin and Hancock—has 3 years to serve.

HEADY, STILWELL, from the counties of Spencer and Bullitt—has 2 years to serve.

HELM, JOHN L., from the counties of Hardin and Meade—has 1 year to serve.

HENDERSON, JAMES S., from the counties of Rockcastle, Laurel, Whitley and Knox—has 2 years to serve.

HOBBS, EDWARD D., from the county of Jefferson and city of Louisville—has 4 years to serve.

HOLLOWAY, JOHN G., from the counties of Henderson and Daviess—has 1 year to serve.

JAMES, THOMAS, from the counties of Hickman, Graves, Ball and Fulton—has 1 year to serve.

MARSHALL, WILLIAM N., from the counties of Green and Hart—has 1 year to serve.

McMILLAN, JOHN F., from the counties of Nicholas and Mason—has 4 years to serve.

McNARY, WILLIAM C., from the counties of Muhlenburg, Ohio and Butler—has 2 years to serve.

PATTERSON, ROBERT A., from the counties of Caldwell, Livingston and McCracken—has 1 year to serve.

RICE, JAMES M., from the counties of Lawrence, Carter, Green and Johnson—has 3 years to serve.

RUSSELL, JOHN W., from the counties of Franklin and Shelby—has 3 years to serve.

SLAUGHTER, G. CLAYTON, from the counties of Nelson and Lenoir—has 4 years to serve.

SMITH, JOHN SPEED, from the counties of Madison and Garrettsville—has 2 years to serve.

SWOPE, SAMUEL F., from the counties of Pendleton, Grant and Owen—has 1 year to serve.

TAYLOR, SAMUEL M., from the counties of Clarke and Montgomery—has 1 year to serve.

THOMAS, JOHN J., from the counties of Campbell and Kennerly—has 2 years to serve.

THORNTON, DAVID, from the counties of Woodford and Jessamine—has 3 years to serve.

TURNER, GEORGE C., from the counties of Washington and Marion—has 2 years to serve.

TODD, ROBERT S., from the county of Fayette—has 2 years to serve.

WALKER, JAMES V., from the counties of Logan and Simpson—has 3 years to serve.

WALL, WILLIAM K., from the counties of Harrison and Bracken—has 3 years to serve.

WHITE, ALEXANDER, from the counties of Clay, Breathitt, Letcher, Perry, Harlan, Estill and Owsley—has 4 years to serve.

WILLIAMS, GEORGE W., from the counties of Bourbon and Scott—has 3 years to serve.

YOUNG, THOMAS L., from the counties of Bath, Morgan, Floyd and Pike—has 4 years to serve.

††Senators reside in the first named county, in their respective Senatorial Districts, as designated in the foregoing table.

REPRESENTATIVES.

ABELL, IGNATIUS, from the county of Green.

ALLIN, BENJAMIN C., from the county of Mercer.

ASKINS, ARCHIBALD S., from the county of Bracken.

BAILEY, HARTWELL A., from the county of Shelby.

BALLINGAL, DAVID, from the county of Nicholas.

BARLOW, JOHN S., from the county of Monroe.

BEARD, ALEXANDER L., from the county of Spencer.

BEELER, WILLIAM, from the county of Lenoir.

BELL, ROBERT T., from the county of Ohio.

BERRY, LEWIS A., from the county of Woodford.

BURBACHER, JAMES F., from the county of Lewis.

BLANTON, JAMES F., from the county of Owen.

BOULWARE, MADISON, from the county of Madison.

BOULWARE, REESE, from the county of Ballard and McCracken.

BOWEN, DANIEL M., from the county of Henry.

BOWLING, ROBERT C., from the county of Logan.

BOYD, ROBERT S., from the county of Livingston.

BOZARTH, ELLI, from the county of Grayson.

BROWN, JOHN, from the county of Shelby.

BROWN, THOMAS D., from the county of Hardin.

BUCKNER, JAMES F., from the county of Christian.

BULLOCK, D. RICE, from the county of Meigs.

BUSH, JAMES B. G., from the county of Clarke.

CARLISLE, ROBERT M., from the county of Keaton.

CAYAN, JOSEPH, from the county of Fleming.

CHILTON, LYNAS F., from the county of Christian.

CHRISTOPHER, JOSEPH C., from the county of Jessamine.

COCKRELL, ELISABETH, from the counties of Estill and Owsley.

COLMAN, HENRY E. D., from the county of Crittenden.

COLLINS, RICHARD, from the county of Mason.

COMBS, LEXINGTON, from the county of Fayette.

CONNOR, WILLIAM, from the county of Greenup.

CULTON, JAMES, from the counties of Knox and Harlan.

DOUGHERTY, JOSEPH, from the county of Adair.

DUNCAN, WILLIAM H., from the county of Nelson.

EAKER, JOHN, from the county of Graves.

ELLIOTT, JOHN M., from the counties of Floyd, Pike and Johnson.

FIELDS, JOHN, from the counties of Carroll and Gallatin.

FIELD, RICHARD H., from the county of Bullitt.

FLOYD, JOHN B., from the county of Boyle.

GRAINGER, W. H., from the city of Louisville.

GRUBE, GEORGE, from the counties of Carter and Lawrence.

GRUNDY, THOMAS S., from the county of Washington.

HAGGARD, DAVID R., from the counties of Cumberland and Clinton.

HAMILTON, ARCHIBALD W., from the county of Montgomery.

HANSON, RICHARD H., from the county of Bourbon.

HARDY, JAMES P., from the county of Warren.

HARRELL, ROBERT, from the county of Logan.

HARRIS, SYLVESTER, from the county of Meade.

HATFIELD, SAMUEL, from the county of Simpson.

HEADLEY, NEWTON, from the county of Hopkins.

HOGG, HIRAM, from the counties of Clay, Letcher and Perry.

HOLMES, TIMOTHY, from the county of Hancock.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate,
and House of Representatives:

The revolution of a year has brought us to the commencement of another session of the General Assembly. The circumstances under which you have assembled are eminently calculated to inspire us all with feelings of profound gratitude and thanks to the Supreme Ruler of the Universe for his countless blessings. Though the country is still afflicted with an unhappy war with a foreign nation, the affairs of our State have experienced no unfavorable change since the adjournment of the last General Assembly, and are, at present, in a highly flattering condition. Our people are not only in the enjoyment of health, but our State, in all its parts, abounds with most of the comforts and all the necessities of life, and never, since I came into office, has there been a time when the fiscal concerns of the Commonwealth presented a brighter aspect than at present.

The means of the State have enabled those with whom payment was intrusted, to discharge promptly all demands which came against the State, in the fiscal year ending on the 10th of October last, and the means will be ample to meet all demands which may come against the State in the year ending the 10th of October, 1848.

After paying all demands that came against the Treasury, there remained \$19,269 23 in it, on the 10th of October, 1847; and from an estimate made by the Second Auditor, there will probably remain in the Treasury, on the 10th of October, 1848, the amount of \$19,048 90, after paying all demands which may come against it up to that time.

Including \$20,503 which remained in the Treasury on the 10th of October, 1846, the receipts of the Treasury, for the year ending the 10th of October, 1847, amounted to \$419,143 46; and there was paid out, in the same year, \$399,847 23.

The estimated receipts of the Treasury, for the fiscal year ending the 10th of October, 1848, including \$19,269 23, which remained in it on the 10th of October, 1847, amount to \$407,621 93; and it is supposed that the demands upon the Treasury, for the same year, will amount to \$388,573 03.

For more detailed information upon these subjects, I refer you to the First and Second Auditors' and Treasurer's reports, which will be laid before you.

The revenue which was payable in the last fiscal year, has been accounted for with commendable promptness. With the exception of about \$18 80, the entire amount was paid by the collectors into the Treasury before the 10th of October last.

Taxable property has also been listed by the Commissioners appointed for that purpose the present year, with more benefit to the State than has been done in years past. The amount of tax on property listed the present year, exceeds the amount on property listed the year preceding, a fraction above four per cent. It is apparent, however, from an inspection of the books returned by the Commissioners to the Second Auditor, that a part of them have failed, most palpably, to fulfil the duties enjoined by law upon every Commissioner. This is an evil affecting the interest of the entire community, and addresses itself emphatically to the attention of the General Assembly.

In giving the present condition of the public debt, I need not go back further than the beginning of the last General Assembly. I should fail were I to attempt to present a more perfect analysis of the debt outstanding against the State at that time, than is contained in the message which I then communicated to the Legislature. The funded debt was stated, at that time, to amount to \$4,596,026. Besides \$426 of Internal Improvement Scrip which was then payable, a portion of that debt consisted of \$49,600 of six years bonds, which were and have since become payable, \$84,000 of Railroad bonds which will become payable in 1848 and 1849; and in a still greater amount of five per cent. bonds which will not become payable for several years to come.

With a view to provide means to extinguish these several liabilities on terms acceptable to the creditors, and terms advantageous to the State, authority was given to the Governor and Commissioners of the Sinking Fund to issue and sell other bonds of the State. Acting under that authority, it was deemed advisable, by the Commissioners, that a sale should be made; and in conformity with their advice, as Governor, I have issued and sold six per cent. bonds to the amount of \$61,000. The bonds were made payable thirty years after date, but redeemable at the pleasure of the State, any time after fifteen years from their date.

The sales were made on such terms as realized to the State the par value of the bonds. The amount of sales was placed in the Treasury to the credit of the Commissioners of the Sinking Fund. With the means thus obtained, and others belonging to the Sinking Fund, and not needed to pay interest, the Commissioners in the course of the present year paid:

5 per cent. bonds,	\$21,000 00
6 per cent. 6 years bonds,	26,800 00
6 per cent. (Railroad) bonds,	3,000 00
Internal Improvement Scrip,	40 14

Total amount of payments,

This amount of payments deducted from the amount (\$61,000) of bonds sold, leave \$10,159 86; which, added to \$4,596,026, the aggregate amount of debt outstanding at the date of my last annual message, makes the present funded debt of the State amount to \$4,606,185 86.

Thus it will be perceived that the funded debt of the State has been increased the present year, above what it was at the commencement of the last General Assembly the amount of \$10,159 86. But there remains after the payment of all interest which has accrued and which may accrue up to the first Monday in January, 1848, an unexpended balance of the means of the Sinking Fund greatly more than sufficient to cover the increase of the State debt, and which would have been applied to the reduction of that debt had not the Commissioners been prevented from so applying it by the failure of holders to present their bonds for payment.

Desirous to extinguish as soon as possible all the six years bonds which had become payable, as required by the 6th section of the act of Assembly, approved 23d of February, 1846, I issued and had published a proclamation, notifying the holders of such bonds, that the Government would, on the first Monday in August, 1847, at the Treasury, make payment and redeem all of said six year bonds, and that not more than four per cent. per annum interest would be thereafter paid on bonds not presented for payment on that day. The effect upon the bond holders was not such as I had hoped, nor such as was doubtless anticipated by the passage of the act. The bonds were not all presented on the day designated, nor have they yet been all presented. There still remain outstanding \$22,800 of those bonds; so that under the law as now in force, the State is burdened with four per cent. interest upon bonds due and payable, and which the State has long been ready to redeem, but which has been prevented by the failure of bond holders to present them for payment, though notified to do so. This is unjust to the State and should not longer be tolerated. I therefore recommend the repeal of that clause of the

act which subjects the State to payment of four per cent. interest.

Funds have been transmitted to the City of New York adequate to the payment of the instalment of interest which becomes payable at that place on the first Monday in January, 1848. After the payment of that instalment, and after the payment of all other demands for interest or otherwise, which in the present year came against the Sinking Fund, there remained in the Treasury on the first of December, 1847, subject to the order of the Commissioners of the Sinking Fund, an unapplied residue of \$40,599 84. Including this sum, I am happy to assure you, that if not withdrawn and applied to other objects, the means of the fund will be more than sufficient to pay all the outstanding six years and railroad bonds, which may be payable the coming year, amounting to \$69,800 00.

It is estimated that there will in the present fiscal year, be received from all sources by the Sinking Fund, \$326,600, which, when added to \$40,599 84 in the Treasury, as already stated, makes an aggregate amount of \$367,199 84.

Including the instalment of interest which will become payable on the 1st Monday in January, 1848, there will be required in the same year to meet liabilities for interest and contingent expenses, \$264,250. This latter sum deducted from the former, leaves to be applied to objects other than the payment of interest and contingent expenses, the sum of \$102,949 84. This amount will of course be applied to the reduction of the public debt, in such manner as is before indicated, and by the purchase, if possible, of other bonds of the State.

An estimate more in detail, of the resources and demands upon the fund for the coming year will accompany the report of the Commissioners, and I lay before you, and to which you are referred for more full information. It is, I think, not at all probable, that any item of the supposed receipts of the coming year will fall below the estimates. The receipts derivable from turnpike roads and the river navigations, hang upon more uncertain contingencies than those derivable from other sources, and we have no good reason to apprehend that less than the amount estimated will be received from either.

The receipts from the Kentucky River Navigation, which had, each preceding year, been increasing, have, in the fiscal year ending the 10th of October last, experienced a further increase, and will likely continue to increase the present fiscal year.

The gross receipts from that navigation, in the last fiscal year, exceeded the gross receipts of the year ending the 10th of October, 1846, the amount of \$7,836 66. After deducting all expenses, swelled, as I understand they were, by the unusual need of repairs on the public works, beyond what will probably be needed in the present fiscal year, there was received in the year ending the 10th of October last, by the Treasury, from that Navigation, for the use of the Sinking Fund, \$29,070 30. The receipts of the preceding year, from the same source, after deducting expenses, amounted to \$29,173 58.

The gross receipts from the Green and Barren River Navigation have also in the fiscal year ending the 10th of October, 1847, exceeded the receipts of the preceding year, \$682 87. In the year ending the 10th of October last, after deducting what was received in that year for previous years, amounted to \$9,400. The gross receipts of the preceding year amounted to about \$8,727 13. The expenses of the year ending the 10th of October last exceeded the amount of receipts, but it is, I understand, not probable that the expenses will be so great in future, and we have reason to believe that not less than the amount estimated will be realized from that navigation by the Sinking Fund in the present year. I refer you, for more full information as to the river navigation, to the report of the Board of Internal Improvement.

The receipts from the Turnpike roads, for the fiscal year ending the 10th of October last exceeded the receipts of the preceding year, and as I have said, we have no reason to anticipate a decrease in the present year.

Nor will the demands on the Sinking Fund, I feel sure, exceed the estimates. More than \$264,000 cannot be needed to pay interest, and \$250 will cover all contingent expenses. A larger amount was needed the last fiscal year to pay contingent expenses, but a considerable part of those expenses grew out of the settlement with the Commissioners of the Sinking Fund, under the act of the 10th of February, 1845; and with no outstanding claims against the Fund, I am satisfied that not more than \$250 will be required to pay contingent expenses in the present fiscal year.

It must therefore be a source of peculiar satisfaction to witness the flattering condition of the Sinking Fund. The annual contingent expenses of the Fund, including exchange and interest on Bank loans which in a succession of former years averaged upwards of \$6,000, and which in some years ran up as high as \$14,000, have been brought down to the inconsiderable sum of \$250 for the present year. The resources of the Fund, at first inadequate to meet the objects proposed, have become not only sufficient to pay all the interest accruing annually on the public debt, and all incidental expenses, but in the two preceding years have enabled the Commissioners to commence reducing the amount of the public debt, and in the present fiscal year will yield them the very considerable surplus of \$102,949 84, to be applied to its further reduction. The funded debt of the State, which had for a series of years been accumulating, until in 1844 it amounted to \$4,671,503, has since that time been undergoing a gradual but steady reduction; and during the present fiscal year the means will be possessed to reduce the debt to \$4,503,236, which reduction, agreeable as it must be to the people of the State, I confidently expect will be made before the termination of my administration of the State's affairs.

Besides, it is well known the State is in possession of other means by which part of the public debt may be paid without burdening the people with taxation. These means consist of stock in the several Banks of the State, amounting, as stated in my last annual message, to \$1,270,736; this sum deducted from \$4,503,236 leaves, \$3,232,736 which may be considered the actual burden of debt that will remain outstanding at the end of the present fiscal year.

Of course the possession, by the State, of the Kentucky and Green and Barren River Navigations, and her interest in bridges, and turnpikes, public works of great value, and of annually increasing revenue, may be considered as available means for the further reduction of that reduced debt of \$3,232,736. These figures are predicated on the supposition, that the Commissioners of the Sinking Fund will be able to apply all of their surplus means of the present fiscal year, to the reduction of the public debt. If they are by any means prevented from so doing, the estimates above will have to be changed accordingly.

In connection with this subject, I have the pleasure to inform you that, as required by law, all the paid coupons or interest warrants have been received by the Commissioners of the Sinking Fund, and registered in books kept for that purpose in the office of the Auditor. The coupons so received and registered, have also been cancelled and burnt in the presence of the Secretary of State, First Auditor and Treasurer.

With regard to the Penitentiary, I am able to inform you that the buildings intended for an eating house and chapel which were under contract, at the

date of my last annual message, have been completed. There has also been erected, since the adjournment of the last Legislature, a blacksmith shop in the Penitentiary as required by an act of that session. The contracts for the buildings have all been filled with fidelity and satisfaction on the part of the Keeper, and I am pleased to inform you that the institution is at this time provided with buildings of superior order, and better adapted to the business of the Penitentiary than at any former period.

The convicts in the Penitentiary on the first day of December, 1847, numbered twenty-one less than were in the Institution on the first day of December, 1846. One has died and six escaped during the present year. The convicts are generally in good health.

The Institution realized a profit, in the last year, exceeding the amount of annual profit guaranteed to the State by the Keeper. This estimate includes all accounts of the Institution outstanding on the first of March last, a portion of which may not and doubtless cannot be collected. It is, however, presumable, from the increased prices of the principal articles manufactured in the Penitentiary, that the present will be a year of greater profit.

But I would not be understood as indicating an opinion, that the failure to make greater profits has resulted from any fault of the Keeper. In a former message, I expressed my confidence in the rectitude of the conduct of the Keeper, and I have seen nothing to change that opinion. On the contrary, considering the many and peculiar difficulties with which he has had to contend, many of a very disheartening character, I have had occasion to admire his fortitude and his energy, and his fidelity, as I conceive, to his contract with the State. I have no reason to believe that any other could have done better.

I am not of the opinion, that under the present system of managing the Institution, any considerable pecuniary benefit will ever be realized by the State. But whether any other system less objectionable or better calculated to attain the objects of the Institution, can be devised, is for the wisdom of the Legislature to determine. The term of the present Keeper will expire on the 1st of March, 1849, and in anticipation of that time, provision should be made by legislative enactment for the future management of the Institution. The law under which the present Keeper was elected, will cease to be in force after the end of his term.

In connection with this subject, I will say to the Legislature, that I have received the third annual report of the Prison Association of the State of New York, with a request that I shall call your attention to the same. This Association is composed of gentlemen eminent for talents and philanthropy, and their object is to collect and disseminate facts relating to Prison Discipline in all its bearings, both on convicts and governments. Their report is voluminous and would be well worthy of the enlightened attention of any members of your body, who may choose to call at the Executive Office and examine it.

But, gentlemen, I should fail in my duty, were I not to invite your attention to a subject which, in my judgment, is of far higher importance than either of those to which I have already alluded. It is a subject not only applicable to the tax payer, but applicable equally to him who has nothing to pay; to the poor as well as to the rich; to all, whatever may be their circumstances or condition. It addresses itself to no particular interest, but comprehends in its bearings all of every order and pursuit. It is limited to no particular interest in exclusion of all others, but reaches every interest, whether of individuals, associations, or the community at large.

It needs only to be named for its importance to be acknowledged and felt. Who will deny the immense importance of Education? Who so debased in sentiment as not to perceive and appreciate its benefits? Where is the individual, be his pursuits what they may, who would willingly decline its advantages? Where the father who would willingly cast his child upon society, destitute of its blessings? But I need not indulge further in reflections like these. The importance of education is so universally acknowledged, and has been so repeatedly recognized by our legislative enactments, that nothing I could say would make it more manifest.

But whilst all admit its importance, we have to lament that so little has been done to advance the cause of Education. Statute after statute has been enacted, setting apart and dedicating funds to the object of education; but when we turn to the generation rising around us, what a vast number do we behold, wholly destitute of the means by which they might become enlightened and useful citizens. Why is this suffered to be so? We have on our statute book what is denominated a System of Common Schools; but hitherto it has been barren of results. The subject was treated of in my last annual message, and I then attempted to point out some of the wants of the system, without which, in my judgment, it could never succeed. In my subsequent reflections I have become more fully satisfied that the views there presented are correct, and I refer you to what was then said, and again commend the subject to your favorable consideration.

The condition of the Education Fund is not changed from what it was last year. The report of the Superintendent of Public Instruction will give you particular information on this point, and also as to the present condition and future prospects of Common Schools.

By an act of Congress, approved January 23, 1845, it is provided, "that the electors of President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November, of the year in which they are to be appointed." The time prescribed by this act differs from the time designated by the laws of Kentucky for holding elections for electors for President and Vice President. It will therefore require the further action of the General Assembly to conform to and carry out the act of Congress. As the election cannot, consistently with the act of Congress, continue longer than one day, it may be worthy of consideration whether provision ought not to be made, allowing, in some counties at least, an increased number of precincts, so that the whole vote of those counties may be fairly polled, and without delay, crowding and confusion.

In conformity to a resolution of the last General Assembly, and with permission of the widow of Major Philip Norborne Barbour, of the 3d Regiment of the United States Infantry, who fell whilst gallantly leading his command to a desperate charge in the streets of Monterey, I caused his remains to be brought, and, with appropriate honors, buried beneath the soil of his native State, within the Cemetery at the seat of government, in testimony of the high sense of the General Assembly of his distinguished services as a patriot, his heroic achievements as a soldier, the chivalry of his life and the glory of his death. A suitable monument of marble has also been erected over his grave.

It will not, I trust, be thought altogether out of place to notice, briefly, other distinguished officers and soldiers whose loss, since the date of that resolution, our State has been brought to mourn. Whilst gallantly leading their respective commands, Col. William R. McKee, Lieut. Col. Henry Clay, and Capt. William T. Willis, of the 2d Regiment Kentucky Volunteer Infantry, fell, accompanied by the fall of many heroic citizen soldiers, in the ever memorable battle of Buena Vista. Deplored most deeply their loss, and appreciating fully the motives of lofty patriotism by which they were induced to enter the service of their country, their heroic valor

and distinguished services in battle, and the glory of their death, many of our fellow-citizens united with their relatives and friends, and caused the bodies of the officers, and many of their brave men who fell with them, to be brought back and buried beneath the soil of their native land. The bones of these officers and soldiers, as well as the bones of the lamented Barbour, now rest within that part of the beautiful Cemetery at the seat of government, appropriated to the use of the State. It is for the Legislature to determine whether one common monument worthy of the State and worthy of her fallen sons, shall mark the spot and tell to future ages the esteem in which a magnanimous Commonwealth holds her chivalric and devoted sons.

The swords inscribed as tributes to the gallantry of Major Gen. Zachary Taylor, Maj. Gen. Wm. O. Butler, and Maj. P. N. Barbour, and which, by resolutions of the last General Assembly, I was required to have made and presented on behalf of the people of Kentucky, were contracted for by agents appointed by me for that purpose, and I am assured that they have been finished in a style and exhibit specimens of elegance and taste well adapted to the object intended, and highly creditable to the artisans who produced them. The contract for the swords was made

FRANKFORT.

SATURDAY,.....JANUARY 1, 1848.

We present this morning, to our friends and patrons the first number of the DAILY COMMONWEALTH, for the present session, and we avail ourselves of this occasion to tender our sincere acknowledgments for the very liberal patronage which has been uniformly extended to us.

The circulation of our DAILY, though large, has never been such as to afford us anything like a fair compensation for the labor and expense necessarily bestowed upon it; but our receipts, we are gratified to say, have been sufficient to cover the expenses, and we have been able to furnish a cheap, and we trust an acceptable medium of communication between the Representatives and their constituents.

We have secured the services of competent reporters in both houses of the Legislature. No effort shall be spared to make the reports accurate, and to render the paper in all things worthy the confidence and support of the public.

Single copies of the DAILY COMMONWEALTH neatly enveloped, can be had at the Counting Room of this office for three cents per copy. Single copies of the WEEKLY COMMONWEALTH, containing full reports of the Legislative proceedings, can be had for five cents per copy.

THE GOVERNOR'S MESSAGE.—We lay before our readers to-day, the annual Message of the Chief Magistrate of Kentucky. As a state paper, like those which have preceded it from the pen of Gov. OWSELEY, it is remarkable for its brevity, and its plain matter-of-fact style. With no effort at rhetorical flourish, the Governor has presented the affairs of the State in such manner as that they cannot fail to be understood by all who read the Message.

The financial condition of the Commonwealth is in the highest degree prosperous, and the prospects ahead are eminently flattering.

All demands against the State have been promptly met, and there remains a balance of \$19,269 23 in the Treasury, and if the calculations of the Auditor are not at fault, (their great accuracy heretofore authorize the belief that they will be fully realized,) we shall have a surplus at the expiration of the current fiscal year of \$19,048 90.

The funded debt of the State in 1844, amounted to the sum of \$4,671,503. Since that time it has undergone a gradual reduction, and is set down, the present year, at the sum of \$4,606,185 86.

The sum that will be subject to the order of the Commissioners of the Sinking Fund, during the present fiscal year, consisting of the fund receipts and an unexpended balance of \$40,599 84, it estimated will amount to the sum of \$367,199 84. The liabilities of that fund, interest and contingent expense account, including the instalment for January, 1849, will not exceed \$264,250; so that there will remain in the Treasury to the credit of the Commissioners of the Sinking Fund at the end of the fiscal year, the sum of \$102,940 84, to be applied to the reduction of the principal of the State debt—a sum more than sufficient to pay all the outstanding six years and railroad bonds which may become payable the coming year.

Too great praise cannot be awarded to the Commissioners of the Sinking Fund, for the manner in which they have discharged the high trust confided to them. They have by their unremitting labors and fidelity to the interests of the Commonwealth, placed our financial affairs upon a basis that secures the State's creditors in the payment of their just demands, and relieves, for the present, the people from the burthens of an increased taxation.

The fact stated by the Governor, that but \$18 80 of the past year's revenue was unpaid on the 10th of October, speaks well for the promptness and fidelity of those charged with its collection.

The cause of Education again occupies a prominent place in the message. The eloquent appeal addressed by the Governor to the Legislature at its last session on this important subject, was passed by unheeded! May we not hope for a different result the present session? An argument in this connection in favor of a general system of Education, would be out of place, and is perhaps altogether unnecessary. The intelligent gentlemen who have assembled here to watch over, and promote, by wise and just enactments, the general good of the people, cannot be otherwise than deeply impressed with the importance of educating the children of the Commonwealth, who must in a few years take the places of those who fill our Legislative halls, and who must very soon become the "rulers and governors of the State."

A feeling and eloquent tribute is paid to the memory of Kentucky's illustrious dead, who fell at Buena Vista; and the recommendation, that "one common monument worthy of the State, and worthy of her fallen sons, shall mark the spot, and tell to future ages, the esteem in which a magnanimous Commonwealth holds her chivalric and devoted sons," will, we doubt not, be promptly responded to, for the recollection of their gallant deeds and glorious death is stamped deep in the hearts of the people, and it should glow in their bosoms and live upon their lips through life. Their chivalry has added immeasurably to the high renown of our glorious Commonwealth. The erection of a monument to mark the spot where they lie, is one of the highest and most sacred of patriotic duties.

The attention of County Court Clerks and Commissioners of Tax, is called to the circulars of THOS. S. PAGE, Second Auditor, addressed to them, which may be found in this day's paper.

THE EDINBURGH REVIEW, for October; THE LONDON QUARTERLY, for September, and BLACKWOOD, for October and November, have been received. The high reputation enjoyed by these publications, renders any further notice unnecessary. Geo. W. Noble, of Louisville, has them for sale.

The one hour rule has been retained by the present House of Representatives.

KENTUCKY LEGISLATURE.

IN SENATE.

FRIDAY, Dec. 31, 1847.

The Senate was called to order at 11 o'clock, A. M., by Theodore Kohlhaas, the former Clerk, who read the following letter from Hon. A. DIXON, Lieut. Governor and Speaker of the Senate:

HENDERSON, Dec. 25th, 1847.

Dear Sir:—The recent flood in the Ohio has entirely inundated my farm, and it is impossible for me to leave home yet, without subjecting myself to great loss in addition to that which I have already sustained. You will oblige me by delivering this, my apology to the Senate, for not being present at the organizing of the two houses.

Very truly, your friend,

ARCH'D. DIXON.

P. S. I hope to be in Frankfort by the 4th or 5th of January.

A. D.

The newly elected Senators were then qualified by D. S. Crockett, Esq.

On motion, the Senate then proceeded to the election of Speaker pro tem.

Mr. FOX nominated R. S. TODD, Mr. HENDERSON nominated R. A. PATTERSON, and Mr. HEADY nominated J. L. HELM. Messrs. Todd and Helm, in a few remarks, declined the nomination, and the same being withdrawn, R. A. Patterson was unanimously elected. On being conducted to the Chair, by Messrs. Helm and Todd, Mr. Patterson, in a few highly appropriate remarks, returned his thanks to the Senate for the honor conferred.

Mr. Theodore Kohlhaas was unanimously elected Clerk.

Mr. Tho. D. Telford was unanimously elected Assistant Clerk.

Mr. John D. McClure was unanimously elected Sergeant-at-Arms.

Mr. Ben. Selby, was unanimously elected Door Keeper.

The oath of office was then administered to the above officers by D. S. Crockett, Esq.

On motion of Mr. HELM, a committee, consisting of Messrs. Helm, Gray and Young, was appointed to notify the House of Representatives that the Senate had met, organized, and were ready to proceed to Legislative business.

On motion of Mr. HELM, the Senate took a recess of one hour.

At the expiration of the recess the Speaker took the chair, but the House of Representatives not having completed its organization, the Senate adjourned until to-morrow morning 10 o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, Dec. 31, 1847.

At 11½ o'clock, the House was called to order by Mr. HELM, the Clerk of the last session.

The oath of the Constitution was severally administered to the members present, by R. C. McKEE, Esq., and they took their seats.

A quorum being present, the Clerk announced the election of Speaker, as next in order.

Mr. J. A. CAVAN nominated Mr. LESLIE COMBS. Mr. H. C. WOOD nominated Mr. THO. D. BROWN. Mr. W. SOERY nominated Mr. JAMES F. BUCKNER.

Mr. A. JOHNSTON nominated Mr. JAMES G. HARDY.

Mr. A. YOUNG nominated Mr. DAVID R. HAGGARD.

The vote being taken resulted as follows: For Mr. COMBS, 23; for Mr. BROWN, 15; for Mr. BUCKNER, 11; for Mr. HARDY, 37; for Mr. HAGGARD, 6. No one candidate having received a majority of all the votes, a second vote was had, which resulted the same as the first.

On the third vote Mr. COMBS received 24, and Mr. HAGGARD 5; the other candidates, the same as before.

Mr. HAGGARD said he was anxious that an election should be had as soon as possible, in order that the House could proceed to business; and for that purpose he offered the following:

Resolved, That after the next ballot, the candidate receiving the least number of votes shall be successively dropped, until an election is had. He concluded by asking that his name be withdrawn.

The resolution was declared by the Clerk to be adopted; whereupon Mr. TOWLES said, as the choice of the House might by that resolution be frustrated, and as he had doubts of its having been carried, he called for the ayes and nays.

The Clerk decided the call out of order. A count being called, resulted in the adoption of the resolution, 46 to 39.

Mr. HUGHES moved that the House do now adjourn—Lost.

A fourth vote being had, resulted as follows: For Mr. COMBS, 25; for Mr. BROWN, 17; for Mr. BUCKNER, 16; for Mr. HARDY, 35.

Mr. TOWLES now understood that Mr. BUCKNER was dropped; and he now re-nominated him.

Mr. BUCKNER hoped his friend would not persist in his nomination, since he had been dropped in accordance with the resolution, he could not consent that his name should again be used. He tendered his thanks to his friends for the honor they had done him, and for the sake of harmony, he hoped they would yield to his request.

Mr. HARDY desired that the contest should be as brief as possible, that the House might proceed to business as soon as possible. He too, felt grateful to his friends for the honor they had done him, and asked that his name be withdrawn.

Mr. BUSH moved an adjournment—Lost.

Mr. COMBS said, having at this time a considerable plurality of Whig votes, and with every prospect of increase, I rise against the will of my friends. But I have been in the Whig ranks for a quarter of a century, never flinching, never shrinking from my duty. I have constantly fought in the front lines of the Whig party, and I cannot fight against them; but I will fight my opponents, here, every where when necessary, on foot, on horseback, in rain or sunshine. But I cannot, I repeat, I will not fight a Whig; and I therefore cannot consent to have my name used longer in this contest.

I claim to stand in the great Whig army, as it is recorded a gallant Frenchman once did, I believe, in the armies of Napoleon—his name, I think, was Latour D'Auvergne—a private grenadier; although of noble blood and foremost in every battle, and first in the deadly breach, he ever refused promotion, but still fought on—at last he fell covered with wounds. Ever since, by a law of France, when his name is called every morning, the oldest grenadier steps out and answers, "mort sur de champs d'honneur"—and his family still receive his pay. When I fall, whether in peace or war, I wish too, to die upon the field of honor, there I am ready to give up my life, natural or political—whenever it may be necessary. (Great applause.)

Mr. SOERY again nominated Mr. BUCKNER.

Mr. GAINES nominated Mr. J. T. PRATT.

On the fifth ballot the vote was as follows: For Mr. BROWN, 38; for Mr. BUCKNER, 28; for Mr. PRATT, 28.

Mr. PRATT asked that his name might be withdrawn from the contest.

Mr. NEWELL then nominated Mr. J. S. BARLOW.

*Dead upon the field of honor.

Mr. A. YOUNG nominated Mr. HAGGARD; but at the earnest solicitation of the nominee, his name was not used in the vote.

On the sixth ballot the vote stood, for Mr. BROWN, 38; for Mr. BUCKNER, 23; for Mr. BARLOW, 32.

Mr. HUGHES offered the following:

Resolved, That the candidate for Speaker, receiving the lowest number of votes, shall be successively dropped, and shall not again be nominated till an election is had.

Mr. COLLINS could not vote for a resolution that could not be enforced, and such he conceived to be the one just offered.

Mr. HUGHES was aware that it could not be enforced, but if passed by common consent, he had no doubt but that the members would obey it.

Mr. BUCKNER said, had I not regarded the resolution as in force, I should have withdrawn my name before now; for I am unwilling to delay the business of this House longer; and to prevent the necessity of adopting the resolution just offered, I now ask my friend who nominated me, to withdraw my name from the canvass; and I take this occasion to again thank my friends for the honor they have done me, and to assure them that I shall ever be ready to reward them with the tribute of a grateful heart.

Mr. BARLOW, grateful to his friends, now tendered them his thanks, and asked to have his name withdrawn, in order that he might nominate a person more competent than any that had yet been put in nomination.

Mr. NEWELL nominated Mr. HARDY.

Mr. A. YOUNG moved to take a recess till 3 o'clock, P. M.—Lost.

Mr. HUDSON re-nominated Mr. HAGGARD.

The seventh ballot resulted as follows: For Mr. BROWN, 47; for Mr. HARDY, 35; for Mr. HAGGARD, 12.

Mr. GAINES moved an adjournment until 3 o'clock—Lost, 44 to 46.

Mr. HARDY tendered his grateful thanks to his friends for their marked favor; the testimony which had been given him was enough; he now desired that his name might be withdrawn from the canvass, and no more be put in nomination.

Mr. TOWLES nominated Mr. COMBS.

Mr. COMBS said, I am now placed in the same position that I was before—to run against a Whig. Sir, I would rather occupy the humblest position in the Whig party, than be the instrument of a division. Sir, my politics are my religion; I believe that upon their success in this country depends the experiment of free government, (applause.) And for the sake of harmony, I hope my name may not again enter the canvass.

Mr. HUGHES hoped the gentleman would suffer his name to run again.

Mr. HAGGARD's name was withdrawn, at his request.

Mr. HARDY said, that notwithstanding he had suffered his name to be run, he hoped, and desired very much that it might now be withdrawn.

Mr. HUGHES moved an adjournment—Lost.

Mr. BARLOW moved to adjourn 1½ hours—Lost.

Mr. MOORE offered the following:

Resolved, That Gen. Leslie Combs be now declared the Speaker of this House by unanimous consent.

An amendment was offered by Mr. Johnston, to strike out Gen. Leslie Combs and insert James G. Hardy.—Lost, together with the resolution.

Mr. HANSON moved an adjournment.—Carried, 48 to 43.

HOUSE OF REPRESENTATIVES.

SATURDAY, Jan. 1, 1848.

House was called to order by Mr. HELM, Clerk of last session.

Journal of yesterday was read by the clerk.

The clerk announced that Mr. BROWN and Mr. HAGGARD were the candidates on nomination for Speaker, at the time of adjournment yesterday.

Mr. SOERY nominated Mr. BUCKNER.

On the first ballot of to-day the vote stood: For Mr. BUCKNER, 54; for Mr. BROWN, 30; for Mr. HAGGARD, 8.

Mr. BUCKNER having received a majority of all the votes cast, was declared by the Clerk, duly elected Speaker of this House.

Mr. HUGHES and Mr. WINTERSMITH were appointed to conduct the Speaker elect to the Chair.

(Speaker's remarks will be given Monday.)

On motion of Mr. COLLINS, Mr. HELM was unanimously declared Clerk of this House.

Mr. JOHNSTON moved that Mr. JOS. GRAY be unanimously elected Sergeant-at-arms of this House. Carried.

Mr. COMBS moved that a committee of four be appointed to notify the Governor and Senate that the House was organized and ready to proceed to business.

Messrs. COMBS, BARLOW, COLLINS and HUGHES were appointed such committee.

For the office of Doorkeeper, Messrs. CAMPBELL, COLMAN and BRANHAM were put in nomination.

Mr. SMITH, of Garrard, who was the companion in arms of Mr. Branham, in a brief and eloquent speech, urged the claims of Mr. B. Mr. Branham was in the battle of Buena Vista, and lost an arm in that memorable engagement.

Mr. TOWLES nominated Mr. JOHN B. HAYDON.

A communication from Mr. Haydon was received and read. (It shall appear in our next.)

Mr. HANSON nominated Mr. E. S. BROWN.

The ballot resulted as follows: For Mr. Branham, 62; for Mr. Brown, 14; for Mr. Campbell, 14; for Mr. Colgan, 6; for Mr. Haydon, 1.

ASSISTANT CLERK.

Mr. SOERY nominated Mr. A. G. RHEA.

Mr. COLLINS nominated Mr. J. C. HERNDON.

The ballot resulted: For Mr. Herndon, 66; for Mr. Rhea, 29.

Mr. BROWN offered the following resolution.

Resolved, That the rules of the last session be adopted for the government of the present. Carried.

The Governor sent in a message, by Mr. REED, Secretary of State.

[Proceedings concluded on Monday.]

Circular to County Court Clerks.

AUDITOR'S OFFICE. }
Frankfort, Ky. January 1, 1848. }

As it will require time to have Blanks for Commissioners' Books prepared, will you inform me immediately how many are wanting in your county?

Upon examining the Circular addressed to the Commissioners, you will perceive that it is important to the State that they should receive it forthwith. You will please hand each one in your County a copy as soon as convenient. Don't fail.

Respectfully yours,

THOS. S. PAGE, 2d Auditor.

CIRCULAR

To the Commissioners of Tax.

On the 12th June, 1846, the County Court Clerk of Jefferson County, returned a list of persons, among whom was John Hays, for failing and refusing to list for taxation, debts due and owing them from non-residents.

The case of the Commonwealth against Hays, was tried before the Jefferson Circuit Court, and the Judge discharged the defendant. Hays. The counsel for the Commonwealth filed a bill of exceptions, and the cause was taken to the Court of Appeals, where the decision of the Court below was reversed.

From the opinion of the Court of Appeals, you will find that the Circuit Court erred in refusing to compel Hays to list, or give in for taxation, debts due him from citizens of other States.

In taking in the residuary, in all such cases, you must act in conformity with the opinion of the Court of Appeals, which is as follows:

STATE OF KENTUCKY, 2d Cir.

Court of Appeals, 7th Dec. 1847.

The Commonwealth of Ky.—Pet. } Upon a W. E. to a Decree
Against } of the Jefferson Circuit
John Hays—Def't. } Court.

The Court being sufficiently advised, delivered the following opinion herein, to-wit:

The only question in this case is, whether under the statutes of 1837, (3 Stat. Laws, 311,) and of 1845, (Sess. Acts, 80,) for equalizing taxation, and which in effect require the citizen to give in for taxation, in addition to the list of specific property, his own estimate, upon oath, of what he is worth in addition thereto, it is his duty to include in the estimate, debts due or coming due to him from persons resident in other States, and other property not situated within this State.

Upon considering the two statutes above referred to, we are satisfied that it was the object, and indeed the express requisition of the Legislature, that the citizens of this State should pay, in addition to the tax upon property required by law to be listed for taxation, an *ad valorem* tax upon all that (according to their own estimation) they were worth, exclusive of the value of that property, leaving out of the computation or estimate, according to the act of 1837, the first three hundred dollars, but according to the act of 1845, the first one hundred dollars in value, and also lands and slaves, are absolutely excluded from the estimate, upon the assumption, no doubt, that they are taxed in the country in which they are situated. But other property out of the State, is excluded only upon the condition that it is subject to taxation by the law of the country where it is. With regard to all other property, except land and slaves, it is the duty of the citizen to include it in his estimate, unless it is actually subject to taxation by the law of the place where it is, a part of which being personally known to him, and not known to the Commonwealth or her officers, is involved in his oath and estimate. He must fix and swear to an estimate of what he is worth from all other sources, except the ordinary list, his lands or slaves out of the State, his other property out of the State, and which is subject to taxation by the laws of the country where it is situated, and except the growing crops, on hand listed, and other items mentioned in the proviso of the statute. Slaves temporarily out of the State at the time to which the list of taxable property refers, are of course to be included in that list. The exception from the residuary estate, applies to slaves permanently situated in another State or country, and therefore, presumably constituting a part of the property taxable there.

Debts being of no place, but being in general regarded as attendant on the person, the creditor may be considered as property within this State, though the debtor reside out of the State. But even if considered as property out of the State, they are, at any rate, a part of the property of the resident citizen, a part of his resources, and a portion of the wealth of the State, from which she has a right to derive a part of her revenue, and she has not exempted them from taxation, but requires them to be included in the estimate of what he is worth, unless which can hardly be conceived, they are taxed in the country of the debtor. A tax upon all the property and resources of the non-resident debtor, by the laws of his own country, would not be a tax on him, but a tax on his creditor in this State to exempt the debt from taxation here. If such a tax should, by diminishing the ability of the debtor to pay, diminish the value of the debt, this diminution would be taken into consideration by the creditor here, in fixing the estimate of what he is worth.

We are of opinion, therefore, on every view of the subject, that Hays was bound to include in his residuary estimate, not only the value of the debts coming to him from citizens and residents of this State, but also the value of debts from non-residents, and of all other property belonging to him out of the State, except land and slaves, and except such property out of the State as under his oath he excluded from the estimate, because it is subject to taxation (and should be given in for taxation) by the laws of the country where it is situated.

It is, therefore, considered by the Court, that the judgment and order dissolving the proceedings against the defendant, Hays, be reversed, and the cause remanded, with instructions to render a judgment in conformity with this opinion, and for appropriate proceedings thereon, which is ordered to be certified to said Court. A *cost* Teste, J. S. WIGGINTON, C. C. A.

THOS. S. PAGE, 2d Auditor.

I. O. of O. F.

PHENIX LODGE, No. 28, I. O. of O. F. under the jurisdiction of the Grand Lodge of the State of Kentucky, hold their regular meetings every Tuesday Evening at their new Hall, corner of Main and Ann Streets, immediately opposite the Weisiger House, at 6½ o'clock. Transient brethren are invited to visit us.

H. GILTYNER, N. G. January 1, 1848.

N. SIMS—BARBER,

On the Corner opposite the Weisiger House, FRANKFORT, KY.

Gives Baths at all hours, day or night, at 25 cts. each. January 1, 1848.

DR. LLOYD'S

DRUG AND CHEMICAL STORE, AT THE OLD STAND ON MAIN STREET, FRANKFORT.

Constantly on hand, (at Wholesale and Retail,) ALL DRUGS, CHEMICALS, MEDICINES, Surgical Instruments, Patent Medicines, Glass Furniture, Paints, Varnishes, Dyes, &c. &c.

The purity and goodness of every article warranted. Frankfort, January 1, 1848.

Woodford Female Institute,

VERSAILES, KY.

THE Short Session of this Seminary closed on Friday, 17th of December, and after a vacation of two weeks, the next session will commence, to close about the middle of July, with a public examination, and conferring the honors of the "Institute" on several who will have completed the course of study prescribed. Three or four additional pupils would be admitted. All the pupils board in the family of the undersigned. Price for Board and Tuition \$150 for the whole term of 10 months. Music extra, \$12 per quarter. January 1, 1848. W. F. BROADBUSH.

Seed Store and Agricultural Warehouse,

Nos. 33 and 35, Lower Market Street, Cincinnati, O.

JOHN F. DAIR & CO.,

HAVE taken that large and commodious Warehouse, Nos. 33 and 35, Lower Market Street, Cincinnati, for the purpose of doing a Seed and General Commission Business, and beg leave to remind their numerous friends and customers throughout the West and South West, that they will continue to carry on the Seed business in all its various branches. They have recently enlarged their business in relation to

Garden Seeds and Fruit and Ornamental Trees, Grape Roots, Cuttings, &c.

And are now prepared to furnish, either at wholesale or retail, the seeds of all the most improved varieties cultivated in this section of the Union, comprising early and late Peas, Beans, Bolls, Cabbages, Carrots, Cauliflowers, Celery, Cucumbers, Lettuce, Melons, Onions, Parsnips, Radishes, Squashes, Turnips, Tomatoes, &c. &c. Also, all kinds of seeds, comprising Canary, Hemp, Millet, Rape and Mustard Seeds.

COUNTRY MERCHANDISE

Can be supplied with Boxes of any size, comprising a complete assortment of the best Seeds, warranted fresh and genuine, and neatly put up in small packages for retail, with printed directions on each package, and labelled, &c., on the most liberal terms.

AGRICULTURAL IMPLEMENTS,

As Plows, Cultivators, Scythes, Rakes, Cutting Boxes, Fanning Mills, &c., of the most approved construction for this market, constantly on hand at Manufacturers' prices.

FRUIT AND ORNAMENTAL TREES;

Particular arrangements have been made with both Eastern and Western Nurserymen, to furnish all kinds of Fruit Trees

